

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

INFO USMISSION USBERLIN

AMEMBASSY LONDON

AMEMBASSY PARIS

C O N F I D E N T I A L STATE 131525

E.O. 11652: GDS

TAGS: PGOV,BQG, AKB, PORS

SUBJECT: REQUEST TO PERMIT ARMING OF PROSECUTORS AND JUDGES
AT L ENZ KIDNAPPING TRIAL IN BERLIN

REF: (A) BONN 9235; (B) STATE 120684

1. THE DEPARTMENT REGRETS THAT THE FRENCH CONTINUE TO
OPPOSE PERMITTING THE PROSECUTORS AND JUDGES AT THE LORENZ
TRIAL TO CARRY ARMS. WE ARE HAPPY TO NOTE, HOWEVER, THAT
THE BRITISH HAVE MOVED SOME DISTANCE ON THIS QUESTION,
BOTH IN BONN AND BERLIN. WE HOPE THAT WITH SOME ADDITIONAL
PERSUASION WE CAN REACH AN ALLIED DECISION TO ACCEDE TO
THE SENAT REQUEST IN THIS MATTER.

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2. WE DO NOT BELIEVE THAT THE REASONING ADVANCED BY THE
FRENCH (PARA 5, REF A) DEALS SATISFACTORILY WITH WHAT WE
SEE AS THE REAL ISSUE. THE JUDGES AND PROSECUTORS IN THE
LORENZ TRIAL ARE IN JEOPARDY ONLY BECAUSE OF THEIR ROLES
AS INSTRUMENTS OF THE GOVERNMENT IN BRINGING TO JUSTICE
TERRORISTS WHOSE APPREHENSION AND CONVICTION ARE STRONGLY
DESIRED BY THE BERLIN GOVERNMENT AND THE ALLIES. THE

BERLIN POLICE, THE SENAT, THE GOVERNING MAYOR, AND THE
FRG GOVERNMENT HAVE ASKED THAT THESE OFFICIALS BE ABLE,
IF THEY WISH, TO HAVE AN ADDITIONAL AMOUNT OF PROTECTION

(WHICH WE HAVE ALWAYS CONCEDED IS LARGELY PSYCHOLOGICAL)
AGAINST A VERY REAL THREAT TO THEIR LIVES. WE BELIEVE THAT
THE ALLIES SHOULD ACT WITHIN THE AMBIGUITIES OF ALLIED
ORDER NO. 2 AND GRANT THE REQUEST FOR THESE SPECIFIC
OFFICIALS DURING THIS SPECIFIC TRIAL UNDER RIGID SAFEGUARDS.
FAILURE TO DO SO WOULD BE "POLITICALLY UNWISE" SINCE
IT WOULD AFFECT ADVERSELY THE CONFIDENCE OF THOSE WHO ARE
DEALING DIRECTLY WITH TERRORISTS AND LEAVE THE ALLIES
VULNERABLE TO DAMAGING PUBLIC CRITICISM IN THE EVENT ANY
OF THE OFFICIALS IN QUESTION WERE ATTACKED.

3. IN VIEW OF THE ALREADY FULL AGENDA FOR THE POLITICAL
DIRECTORS' MEETING AND THE FACT THAT IT WOULD BE DIFFICULT
TO EXCLUDE THE GERMANS AT ANY STAGE FOR A STRICTLY ALLIED
DISCUSSION, WE DO NOT NOW PLAN FOR ASST. SECRETARY VEST TO
RAISE THE MATTER AT THE MAY 29 MEETING. WE SHALL RATHER
PUT OUR CASE TO THE FRENCH AND BRITISH EMBASSIES HERE
LATER NEXT WEEK. IF FURTHER ACTION IS REQUIRED SUBSEQUENTLY
WE SHALL ASK EMBASSIES PARIS AND LONDON TO FOLLOW UP WITH
QUAI AND FCO. CHRISTOPHER

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